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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,800

03/26/2004

Joy P. Prabhakaran

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12/19/2005

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/708,800

Applicant(s)

PRABHAKARAN ET AL.

Examiner

Patrick J. Assouad

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005 and 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to the Amendment(s) filed 9/12/05 and 11/14/05.

Claims 1-14 are pending.

### ***Response to Arguments***

2. Applicant's arguments and Amendment(s) filed 9/12/05 and 11/14/05, with respect to the objection(s) to the Specification and Drawings and claims have been fully considered and are persuasive. These particular objections have been withdrawn.

(Note that new objections are raised below with respect to the amended claims.)

3. The Declaration filed on 9/12/05 under 37 CFR 1.131 is sufficient to overcome the Gruszecki et al. (US 2004/0252750 A1) reference. The rejection of claims 1-6 and 8-12 under 35 U.S.C. 102(e) as being anticipated by Gruszecki et al. (US 2004/0252750 A1) is withdrawn.

4. Applicant's arguments filed with respect to the rejection of claims 1,2 and 8 as being anticipated by Alan Li, "AN-582 Resolution Enhancements of Digital Potentiometers with Multiple Devices", Rev A 12/19/01, have been fully considered but they are not persuasive.

5. Applicant argues that “the record is not clear that the Li reference is proper prior art under the applicable law/practice.” And the Applicant directs the Examiner’s attention to MPEP 2128 which refers to “electronic publications as prior art.”

First, the Examiner does not consider the publication to be an “electronic publication” in the same sense as one considers an Internet Webpage or html document or similar.

The reference by Li is an “application note.” As is known to those of ordinary skill in the art, application notes usually accompany “data sheets” or “specifications” of an electronic manufacturer’s products to enhance sales of those particular electronic products. In this case, the application note by Li is clearly teaching potential customers of Analog Devices (Li’s employer) how to apply Analog Devices’ digital potentiometers (e.g. AD5242, AD5231, AD5233, etc.) in a parallel configuration to increase resolution.

6. Finally, it should also be emphasized that the date printed on the bottom of the first page of Li’s application note shows: “Rev. A 12/19/01.” This application note was clearly revised by Li on 12/19/01 and thus an even earlier version of this application note was known by others prior to 12/19/01.

### ***Claim Objections***

7. Claims 9, 11 and 12 are objected to because of the following informalities: there appear to be some typographical errors; e.g. claim 9 should probably depend from claim 8 (not 7); in claim 11, “digitalpotentiometer” should be corrected; and, in claim 12, “The systemofclaim9,furthercomprisingaresistorconnected” should be corrected. Appropriate

correction is required. A thorough check of all the claims for typographical accuracy and correctness is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

9. Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Alan Li, "AN-582 Resolution Enhancements of Digital Potentiometers with Multiple Devices", Rev A 12/19/01.

10. As per independent claims 1, 2 and 8 which are simply a "plurality of digital potentiometers connected in parallel," see at least the Introduction and Figures 1-4 of Li which clearly show resolution enhancement using various parallel digital potentiometers configurations.

11. As per the limitations of independent claims 2 and 8 which refer to the first resistance being not equal to the second resistance, see at least Fig. 5 of Li and its discussion just above indicating that R1 and R2 may be different.

***Allowable Subject Matter***

12. Claims 3-6 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 7,13 and 14 are allowed.

***Conclusion***

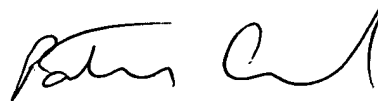
14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick J Assouad  
Primary Examiner  
Art Unit 2857

pja